

# DIRECTIVE

## WORKFORCE INVESTMENT ACT

Number: WIAD03-14

Date: June 3, 2004

69:141:kab:8259

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: LOCAL PLAN MODIFICATIONS PY 2004-05 **INACTIVE**

### EXECUTIVE SUMMARY:

#### Purpose:

The purpose of this directive is to provide instructions and revised forms for submittal of the Program Year (PY) 2004-05 (fifth-year) modification of the Local Workforce Investment Area (LWIA) Strategic Five-Year Local Plans.

#### Scope:

This directive applies to all LWIAs.

#### Effective Date:

This directive is effective on date of issue.

### REFERENCES:

- Workforce Investment Act (WIA) Section 118
- Title 20 Code of Federal Regulations (CFR) Part 661.355
- Training and Employment Guidance Letter (TEGL) 20-03, Fiscal Year (FY) 2004 Congressional Rescissions for WIA Adults and Dislocated Works; WIA Allotments for PY 2004; Additional Funding from Dislocated Worker National Reserve for Adult/Dislocated Worker Activities for Eligible States; Wagner-Peyser Act Final Allotments for PY 2004; and Work Opportunity Tax Credit and Welfare-to-Work Tax Credit Allotments for FY 2004 (March 25, 2004)
- TEGL 22-02, Negotiation of Performance Goals for Program Years Four and Five Under Title I of the WIA (March 24, 2003)
- WIA Directive WIAD03-13, Subject: LWIA Proposed Performance Levels for PY 2003-04 (May 25, 2004)
- WIA Directive WIAD03-6, Subject: LWIA Performance Levels for PY 2002-03, 2003-04, and 2004-05 (July 31, 2003)

- WIA Directive WIAD03-4, Subject: Transfer of Funds—Adult, Dislocated Worker, and Recaptured Funds (July 24, 2003)
- WIA Information Bulletin WIAB03-78, Subject: Dislocated Worker Federal Reallotment for PY 2003-04 (April 9, 2004)
- WIA Information Bulletin WIAB03-77, Subject: Formula Allocations PY 2004-05 and Federal Rescission PY 2003-04 (April 9, 2004)
- WIA Information Bulletin WIAB03-43, Subject: Final PY 2002-03 WIA Performance Results (December 5, 2003)
- WIA Information Bulletin WIAB02-45, Subject: Final PY 2001-02 Workforce Investment Act Performance Results (December 4, 2002)
- WIA Information Bulletin WIAB01-55, Subject: Final PY 2000-01 Workforce Investment Act Performance Results (December 4, 2001)
- WIA Information Bulletin WIAB99-2, Subject: WIA Initial Local Planning Guidance (December 14, 1999)

#### **STATE-IMPOSED REQUIREMENTS:**

This directive contains some State-imposed requirements. These requirements are indicated by ***bold, italic*** type.

#### **FILING INSTRUCTIONS:**

This directive supersedes WIA Directive WIAD03-2, dated July 11, 2003, and finalizes WIA Draft Directive WIADD-71, issued for comment on April 20, 2004. Retain this directive until further notice.

#### **BACKGROUND:**

The Local Workforce Investment Boards (LWIB) submitted their initial Strategic Five-Year Local Plans pursuant to the requirements in WIA Section 118, instructions in WIA Information Bulletin [WIAB99-2](#), dated December 14, 1999, and several issuances of supplemental guidance. Title 20 CFR Part 661.355 states that the Governor must establish procedures governing the modification of local plans. The WIA Directive WIAD03-02, dated July 11, 2003, provided instructions for submitting the fourth-year plan modifications. Situations in which the Governor may require modifications include:

- Significant changes in local economic conditions,
- Changes in the financing available to support WIA Title I and partner-provided WIA services,
- Changes to the LWIB structure, or
- A need to revise strategies to meet performance goals.

## POLICY AND PROCEDURES:

This directive includes the attachment *WIA Local Plan Modification Program Year 2004-05 Instructions and Forms*. These may be accessed at [www.edd.ca.gov/wiarep/wiaricp.htm](http://www.edd.ca.gov/wiarep/wiaricp.htm). The forms in the attachments include:

- LWIA Strategic Five-Year Local Plan Modification Cover Page
- WIA Strategic Five-Year Local Plan Table of Contents
- IX. Signature Page
- Title IB Budget Plan Summaries for Adult or Dislocated Worker and Youth
- Title IB Participant Plan Summary
- Local Performance Indicators and Goals Chart
- LWIA Grant Recipient Listing

If you need to make changes to any of the narrative portions submitted with your initial plan or the fourth-year modification, you may access the appropriate forms at the same Web site. (Note: The [narrative forms](#) are in the Resource Information Center - Planning Documents as attachments to WIA Information Bulletin WIAB99-2.)

**Local plans must be modified to include the following elements, as applicable:**

### **Remaining Elements From Initial Plans and/or Fourth-Year Modifications**

Some local plans may be missing some required elements. For example, local areas may not have submitted all of their fully executed Memorandums of Understanding (MOU). One of the elements required in the MOUs, per WIA Section 121(c)(2)(A)(ii), is "how the costs of such services and the operating costs of the system will be funded." The State approved those MOUs that indicated that cost-sharing arrangements would be developed. In addition, some of the MOUs did not include specific information about referral methods. As a requirement of WIA Section 121(c)(2)(iii), MOUs shall contain provisions describing the "methods for referral of individuals between the One-Stop operator and the One-Stop partners, for the appropriate services and activities." ***Local areas must attach fully executed MOUs not already submitted with the initial plan or the fourth modification for all required partners that describe the cost-sharing arrangements and methods of referral, as well as the other required elements in WIA Section 121(c). If there is more than a single One-Stop in the local area, the MOUs must address the cost-sharing arrangements and other Section 121(c) requirements regarding each of the One-Stops, including descriptions of any differences or unique arrangements regarding the various sites. If cost-sharing arrangements are not included as part of the MOU but are contained in another document (e.g., a lease agreement), provide a copy of that document with the MOU. The MOUs that were submitted with the initial plan or the fourth-year modification and have since been revised must also be attached. If any required MOUs have not yet been negotiated, these must be identified and a description of the ongoing efforts and/or problems in finalizing the memorandum(s) must be provided in Box "R" of the narrative Section V entitled "Local One-Stop Service Delivery System." Please indicate the projected dates, if known, of full execution.***

Please work with your Regional Advisor to identify any other items required in the initial plan and/or fourth-year modification guidance which were not included, and submit them in your fifth-year modification.

### **Significant Changes**

As described in the Background above, Title 20 CFR Part 661.355 provides examples of situations for which the Governor may require modification of the local plan. ***The State requires LWIBs to modify their local plans to include any of the four changes referenced in Title 20 CFR Part 661.355, which are applicable to the local area. Significant changes in local economic conditions as well as general downturn in the economy must be described in the narrative Section III entitled "Labor Market Analysis."***

***All local areas will have changes in available financing to support Title I services, i.e., the PY 2004-05 allocations, which are to be incorporated in the modification on the Budget Plan summaries.***

***"Changes to the LWIB structure"*** does not mean changes in specific individuals on the board. Rather, it refers to changes in numbers of members, additional partnership categories, and other structural changes (for example, the establishment of a youth council within the board). No structural changes can be made which would eliminate any required partner categories, or which would eliminate the private sector majority. ***Any applicable changes must be discussed in Box "C" (and any other applicable sections/boxes) of the narrative Section IV entitled "Leadership."*** For example, if there are changes regarding the youth council, these should be discussed in Box "A" of the narrative Section VI entitled "Youth Activities."

Local negotiated fourth and fifth-year **performance goals** may not be available by the time of your fifth-year modification submittal. However, even if they are not, you may decide locally, based on prior years' experience, that you will need to change your strategies in order to meet your performance goals. ***If so, discuss the strategic changes in the narrative Section II entitled "Local Vision and Goals" and/or any other applicable sections of the narrative.***

The Employment and Training Administration expects to implement the common measures policy in late Calendar Year 2004 or early 2005. Final reporting guidelines, negotiation of new State and local outcome levels, and revised participant tracking forms will be issued as soon as the information becomes available.

### **PY 2004-05 (Fifth-Year) Forms**

The Title IB Adult or Dislocated Worker and Youth Budget Plan summaries, the Participant Plan Summary, and the Local Performance Indicators and Goals chart have been revised for the fifth year. Budget Plan forms were designed to provide quarterly expenditure planning for the two-year life of the funds. The local area allocations for PY 2004-05 were transmitted in WIA Information Bulletin [WIAB03-77](#), dated

April 9, 2004. Adjustments, due to a federal rescission, to PY 2003-04 formula Adult and Dislocated Worker allocations are also included in that bulletin. The PY 2003-04 Dislocated Worker reallocations, due to the federal reallocation, are shown in WIA Information Bulletin [WIAB03-78](#), dated April 9, 2004. **Local areas must complete and submit the Budget Plan Summaries and Participant Plan Summary as part of the modification.** The performance goal form should be completed and made available to the public for comment. Final approval of the local area's proposed goals is subject to negotiation with the State in compliance with WIA Directive [WIAD03-6](#), dated July 31, 2003, and WIA Directive [WIAD03-13](#), dated May 25, 2004.

### **Transfer of Funds—Adult and Dislocated Worker Formula Allocations**

The WIA Directive [WIAD03-4](#), dated July 24, 2003, provides State policy and procedures for the transfer of funds between Title I Adult and Dislocated Worker programs. You may submit a request for transfer at any time. If you wish to effect a transfer of PY 2004-05 funds at the time of the modification, you may submit the request with the modification. **Follow the instructions in the directive for requesting the transfer. Make the appropriate entries on the budget and participant forms in the plan modification.** (Note: 30 Percent transfer is applicable to both PY 2003-04 and PY 2004-05.)

### **Format**

In addition to the narrative pages, a complete package of PY 2004-05 (fifth-year) forms may be downloaded at [www.edd.ca.gov/wiarep/wiaricp.htm](http://www.edd.ca.gov/wiarep/wiaricp.htm). Included you will find a Local Plan Table of Contents that has columns for indicating which plan sections have been revised. **Only those items that are new (e.g., fifth-year Budget Plan summaries and Participant Plan Summary), items that were not submitted with the initial plan and/or the fourth-year modification (e.g., new or revised MOUs), and items requiring changes (e.g., a revised Local Performance Indicators and Goals chart, revised narrative pages relating to significant changes in the local economy, LWIB structure changes, and strategic changes to meet performance and expenditure goals) must be included in the modification. Please annotate each revised page with a revision date in the lower right corner of the page (e.g., "Rev. 6/28/04"). Complete the Local Plan Modification cover page. After the cover page, please arrange the modification in the order indicated on the Local Plan Table of Contents.**

### **Public Comment, Signatures, Due Date**

Plan modifications must be made available to the public through such means as public hearings and the local news media. Members of the LWIB and members of the public, including representatives of business and labor organizations, must be allowed to submit comments on the proposed modification to the LWIB. These must be submitted not later than the end of the 30-day period beginning on the date on which the proposed modification is made available.

***The plan modification is due to the State no later than September 30, 2004. Six copies are required, at least one of which must contain the original signatures of***

***the LWIB Chair and the Chief Elected Official(s), or their designated alternates. (Note: Alternates must be formally designated by official action of their respective boards or locally-approved policy.)*** Some local areas may be unable to obtain the approval of both the LWIB and the Chief Elected Official(s) by the due date (e.g., because of the scheduling of their respective board meetings). ***If so, they must submit at least one copy of the unsigned modification by the due date and provide an explanation and date by which the signed original and copies will be sent.***

#### **ACTION:**

Please bring this directive to the attention of all relevant parties. ***Complete the plan modification according to the instructions in this directive and attachment. Submit the modification no later than 5:00 p.m., on September 30, 2004, to:***

Mail: Program Section  
Workforce Investment Division, MIC 69-1  
Employment Development Department  
P. O. Box 826880  
Sacramento, CA 94280-0001

Overnight Mail: Program Section  
Workforce Investment Division, MIC 69-1  
Employment Development Department  
800 Capitol Mall  
Sacramento, CA 95814

Hand Deliver: Program Section  
Workforce Investment Division  
Employment Development Department  
750 N Street  
Sacramento, CA 95814

#### **INQUIRIES:**

If you have any questions, please contact your [Regional Advisor](#) at (916) 653-6347.

/S/ BOB HERMSMEIER  
Chief  
Workforce Investment Division

Attachment is available on the Internet:

[WIA Local Plan Modification PY 2004-05 Instructions and Forms](#) (PDF)